

REMARKS

In the Office Action mailed December 5, 2007¹, the Examiner rejected claims 1, 2, 4, 11, 12, 14, and 21-24 under 35 U.S.C. § 102(b) as anticipated by "Mobile Information Device Profile JSR-37 - JCP Specification" ("*MIDP Spec*").

By this amendment, Applicants have amended claims 1, 2, 11, 12, 21, 22 and 23, canceled claims 4 and 14, and added new claim 25. Claims 1, 2, 11, 12, and 21-25 are pending and under current examination.

I. The Rejection of Claims 1, 2, 4, 11, 12, 14, and 21-24 under 35 U.S.C. § 102(e)

To properly anticipate Applicants' claimed invention under 35 U.S.C. § 102(b), each and every element of the claim in issue must be found, either expressly described or under principles of inherency, in a single prior art reference. Further, "[t]he identical invention must be shown in as complete detail as is contained in the...claim." See M.P.E.P. § 2131 (8th Ed., Aug. 2001), quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Finally, "[t]he elements must be arranged as required by the claim." M.P.E.P. § 2131. Applicants traverse the rejection of claims 1, 2, 4, 11, 12, 14, and 21-24 under 35 U.S.C. § 102(b) for the following reasons.

Claim 1 recites, for example, a method for validating programs, comprising "receiving a meta-language description of a computer program, the meta-language

¹ The Office Action may contain statements characterizing the related art, case law, and claims. Regardless of whether any such statements are specifically identified herein, Applicants decline to automatically subscribe to any statements in the Office Action.

description comprising a definition module and an implementation module, the implementation module defining a first class to be implemented by the program and the definition module defining a first interface associated with the class” (emphasis added).

Applicants submit that *MIDP Spec* fails to teach or suggest at least the claimed “meta-language ... definition module and ... implementation module.”

MIDP Spec defines “an architecture and associated APIs required to enable an open, third-party, application development environment for mobile information devices, or MIDlets” (*MIDP Spec*, p. 17). The specification defines an execution environment for MIDlets and provides classes for implementing a Java Virtual Machine and classes for implementing the MIDP runtime environment (*MIDP Spec*, p. 40). The specification also includes packaging Java classes for the MIDlets in a JAR file (*MIDP Spec*, p. 41).

The Examiner relies upon the Java classes as allegedly corresponding to the claimed “implementation module” (Office Action at p. 3). However, the Java classes are written in Java, whereas the claimed definition module is a “meta-language” definition module. As Java is not considered by those skilled in the art to be a “meta-language,” *MIDP Spec*’s Java classes cannot correspond to the claimed “meta-language” implementation module.

MIDP Spec also discloses a “JAR Manifest [that] provides information about the contents of [a] JAR file” (*MIDP Spec*, p. 43). The Examiner relies upon the JAR manifest in addressing the claimed “definition module” (Office Action at p. 3). However, while the JAR file format has a particular format and syntax, JAR files and manifests are not understood by those skilled in the art to be written in a “meta-language.” Therefore,

MIDP Spec's JAR manifest and JAR files cannot correspond to the claimed "meta-language" definition module.

For at least the reasons discussed above, *MIDP Spec* does not teach or suggest the claimed "receiving a meta-language description of a computer program, the meta-language description comprising a definition module and an implementation module, the implementation module defining a first class to be implemented by the program and the definition module defining a first interface associated with the class" (emphasis added).

Claim 1 also recites "generating a language-dependent program from the meta-language description, the language-dependent program comprising the first interface and the first class." *MIDP Spec* also fails to teach or suggest this subject matter of claim 1.

As discussed, *MIDP Spec* defines an execution environment for MIDlets and provides classes for implementing a Java Virtual Machine and classes for implementing the MIDP runtime environment (*MIDP Spec*, p. 40). *MIDP Spec* also application management software for installing, running, and removing MIDlets from a device (*MIDP Spec*, p. 39). However, implementing a runtime environment, or installing, running, and removing MIDlets, are not the same as "generating" a program.

Further, the claimed "language-dependent program" is generated "from the meta-language description." As discussed above, the Examiner relied upon *MIDP Spec's* JAR files and JAR manifest when addressing the claimed meta-language "definition module" and "implementation module." However, *MIDP Spec* does not generate any a program from the JAR files or JAR manifest. Instead, the JAR files are groups of

existing classes, and the JAR manifest is a description of the JAR file. At best, the JAR files and JAR manifest are derived from the Java MIDlet classes, not used to generate them. Therefore, *MIDP Spec* does not teach or suggest the claimed “generating a language-dependent program from the meta-language description, the language-dependent program comprising the first interface and the first class.” as recited by independent claim 1.

Accordingly, *MIDP Spec* cannot anticipate independent claim 1. Independent claims 11 and 21, although of different scope, recites elements similar to the elements recited by claim 1, and are thus allowable for at least the reasons set forth above with respect to claim 1. Applicants therefore respectfully request the Examiner to reconsider and withdraw the rejection of claims 1, 11, and 21 under 35 U.S.C. § 102(e) as being anticipated by *MIDP Spec*.

Claims 2 and 22-24 depend from claim 1 and claim 12 depends from claim 11. Since *MIDP Spec* does not support the rejection of claims 1 and 11 under 35 U.S.C. § 102(e), *MIDP Spec* also does not support the rejection of dependent claims 2, 12, and 22-24 for at least the same reasons set forth above in connection with claim 1. Claims 4 and 14 have been canceled, rendering the rejection moot with respect to these claims. Therefore, Applicants request that the rejection of claims 1, 2, 4, 11, 12, 14, and 21-24 be withdrawn and the claims allowed.

II. Conclusion

In view of the foregoing remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: March 4, 2008

By: 

Jeffrey A. Berkowitz
Reg. No. 36,743